

Scrutiny:

A Practical Guide for Councillors

“Overview and scrutiny is potentially the most exciting and powerful element of the entire local government modernisation process... Overview and scrutiny is the mechanism by which councils can achieve active community leadership, good governance and by which councillors can become powerful and influential politicians.”

Officer of the Deputy Prime Minister – 2002

◆ What is Scrutiny?

The Local Government Act 2000 brought about significant changes in the way that Local Authority decision making takes place; principally, it mandated the establishment of Cabinets and scrutiny committees. Previously, Local Authorities ran a committee system of decision making which delegated decisions to service specific committees.

However, a 1998 Audit Commission report concluded that these arrangements were inefficient, lacked leadership and public transparency. The 2000 Act directed that all first and second tier authorities move to an executive model of decision making. This required the separation of executive (Cabinet) and scrutiny functions, where decision making was centralised into cabinets and scrutiny committees were established to hold them to account.

◆ What is the role of the Scrutiny Committee?

Oxford City Council's Scrutiny Committee is comprised of 12 cross-party councillors who are not members of the Cabinet. Their role is to carry out a 'check and balance' and 'critical friend' function to the Cabinet by reviewing policies, decisions and key issues affecting residents.

Scrutiny operates to provide public assurance that the Cabinet is carrying out its business effectively, and taking decisions in the best interests of the residents of Oxford. To provide this assurance, the Committee carries out research, reviews and hears from independent experts, making recommendations for service improvement where necessary.

The Committee does not have any decision making powers, but it can make recommendations to the Cabinet arguing for change and service improvement, and it can delay decisions for further scrutiny through the power of call-in (see call-in section). The expectation is that well-reasoned, evidence based and logical recommendations made in public will compel the Cabinet to reconsider its decisions. The Cabinet is required to provide a written response to Committee recommendations within two months, setting out whether it agrees or disagrees with the recommendations.

The role of the Scrutiny Committee is to:

Review and Develop Policy - Reviewing existing policy to ensure it remains fit for purpose, and contributing to the development of new policies before they are implemented. Monitoring policy implementation may also take place.

Scrutinise externally - Examining how external organisations contribute to the benefit of the City and recommend ways to improve their contributions. Notably, there are limitations to the level of influence over external organisations, and reputational and relationship risks.

Hold the Cabinet to account - Scrutinising decisions of the Cabinet either before or after they are implemented, to ensure that the right decisions are made at the right time, and in an open and transparent way.

Reflect the concerns of the public - Promoting the views of the public through scrutiny and engaging with a diverse range of issues and people. The Committee Work Plan should reflect the concerns and aspirations of local people.

Challenge performance - Reviewing the performance of council services to ensure they provide value for money and are meeting targets.

◆ How does the Committee prioritise its work?

The fundamental role of scrutiny is to achieve positive outcomes for local people by undertaking a targeted and thorough examination of the Council's service to residents. However, it is not possible to examine every service in detail, so the Committee must prioritise and plan its work. The Committee agrees an annual schedule of work each June which is kept under review throughout the year, and officers and members are invited to put forward ideas. An effective work programme will:

- strictly prioritise key issues
- clearly outline the purpose of why items are being considered
- limit the number of update reports and reports for noting
- ensure that agendas are realistic and not 'too busy'
- deploy a combination of scrutiny types (pre / post scrutiny, external and internal)
- provide attendees with sufficient notice to prepare for meetings
- establish review groups or panels to undertake detailed work.

At Oxford City Council, the Committee is encouraged to use the 'TOPIC' scoring criteria as a guide for prioritising issues for the work plan:

Timely	Is the need for a review timely and not duplicated elsewhere?
Oxford Priority	Is the issue featured in the Council's Corporate Plan?
Public Interest	Is the issue of significant public interest?
Influence	Is the Committee realistically able to influence the issue?
Cost	Is the issue an area of high expenditure or savings?

What are Review Groups?

In some instances, the Scrutiny Committee may consider it more effective to establish a small group to carry out a review, where it would be impractical for the whole committee to be involved. The work of a review group should be focussed, time limited, and carry out in depth research and scrutiny in the interest of developing recommendation for service improvement. Often, review groups will seek the help of external experts to help inform their work. Members of these groups should have the interest and time to commit to undertake in-depth scrutiny. Review group meetings are not bound by the same rights of public access to meetings, but will usually be held in public. Chairs should be Scrutiny members, but the remaining membership can be from across the council.

What are the stages of a Scrutiny Review?

The 5 stages of a scrutiny review are outlined below:

Scoping: The scoping of a scrutiny review is fundamental to the effectiveness of the review process. This starts with identifying outputs and objectives, and clarifying what members hope to achieve. It also considers what evidence is needed, the timeframe for the review, who should be involved and any publicity.

Evidence gathering: Evidence is gathered in accordance with the review scope. This principally involves speaking with experts, but could also involve site visits, consultation exercises, examining performance, desktop research and holding public workshops.

Reviewing evidence: Once all of the evidence has been gathered, it then needs to be reviewed. This is where members take stock and assess the evidence, and decide if enough information is available to draw reasonable conclusions and recommendations.

Reporting and recommendations: The Scrutiny Officer, in consultation with the Chair, will produce a detailed report on the review group's work, outlining the rationale for its conclusions and recommendations. Following endorsement from the Scrutiny Committee, recommendations will be put to the Cabinet for a written response.

Monitoring and evaluation: Although responsibility for the implementation of any accepted recommendations rests with the Cabinet and officers, it is essential that the Scrutiny Committee monitors progress usually at 6 or 12 month intervals.

What are Scrutiny Panels?

In addition to carrying out time limited scrutiny reviews, the Scrutiny Committee can also establish yearly standing panels, to help manage its workload. In previous years, the Committee has opted to establish three Panels; Finance and Performance, Housing and Homelessness and Climate and Environment. Each Panel is tasked with scrutinising decisions related to their delegated area, and reporting back to the Scrutiny Committee with recommendations. The membership of these Panels is made up of between four and six members, and accountable to the Scrutiny Committee. Regular agenda items for these Panels include annual and quarterly performance reports. These meetings are also minuted and generally open to the public.

◆ How can Scrutiny add value?

Scrutiny is solution and improvement focussed. It provides the Council with an additional resource to help evaluate and develop policy, and provides assurance that decisions are taken in the best interest of residents. It involves the voices of the public, independent experts and stakeholders that might otherwise not be involved in the Council's strategy and policy development. It provides officers and the Cabinet with detailed feedback on proposed decisions and Council services, and operates as an early stage sounding board to confirm broader member buy-in to important decisions. The Committee will look to make evidence based recommendations in the interest of improving services.

◆ What do effective recommendations look like?

The [Centre for Governance and Scrutiny](#) advocates that recommendations must be evidence-based, specific and realistic enough to be implemented. They should have a clear focus on outcomes and advocate for a measurable change. Crucially, recommendations must be accompanied by a robust argument with evidence from a variety of sources to support them, to ensure they are compelling. Where possible, recommendations should be developed in partnership with other interested parties, and should take account of the Council's financial situation. Recommendations should avoid being open-ended and vague to ensure that their implementation can be objectively measured in the long term.

◆ Who is involved in Scrutiny?

The role of the Chair and Vice-Chair:

- the Chair leads the Scrutiny Committee and presides over its meetings
- the Vice-Chair supports the Chair and deputises in their absence
- the management of the Work Plan is with the whole Committee but the Chair and Vice-Chair take an "organisational role" between meetings
- the Chair updates Full Council about the work of the Committee.

The role of all Scrutiny Members:

- to contribute to the Work Plan and participate at Scrutiny Committee meetings
- to think strategically about City-wide issues, using local knowledge
- to be mindful of and actively seek community views
- to be questioning, deliberative and evidence based
- to be robust and constructive in challenging; not oppositional.

The role of the Scrutiny Officer:

- to support all the work of scrutiny and to co-ordinate its Work Plan,
- to provide policy advice and best practice guidance
- to prepare and support witnesses attending the Committee
- to draft reports and recommendations on behalf of the Committee
- to act as a champion for scrutiny within the organisation.

The role of the Committee and Member Services Officer:

- to clerk Scrutiny meetings
- to prepare the meeting agenda and minutes
- to provide advice on procedural and constitutional issues

- to provide other general support
- to act as champion for members within the organisation.

◆ What is Call-in?

Call-in is a formal process which allows councillors to query a Cabinet decision. Call-in provides an opportunity for the Scrutiny Committee to review a decision of the Cabinet, or a key decision taken by an officer, before it is implemented. A decision can be called in by any four members or the chair of the Scrutiny Committee. A special meeting will then be convened within 10 days to consider the decision, and the relevant Cabinet Member will be invited to explain the reasons for the decision. The Committee can choose to make recommendations back to the Cabinet, or it may be satisfied and accept the decision. Call-in is not used lightly, but may prove influential in ensuring that unheard concerns have been taken into account.

◆ What support is available to me?

The Scrutiny Officer is the lead officer responsible for ensuring that members of the Committee receive the support they need in order to be effective in their role. Should members have any specific questions about scrutiny and/or identify any development needs, they are encouraged to reach out to the Scrutiny Officer in the first instance. The Scrutiny Officer will be available year-round to support the Scrutiny Committee, Panels and Review Groups, and all council members, together with the wider Committee and Member Services Team.

There is also a variety of external training and development opportunities open to all members. These courses are particularly useful for networking with other local authorities, and understanding how others carry out scrutiny. Committee members may find courses run by the Centre for Governance and Scrutiny and the Local Government Association useful, and the Scrutiny Officer will send out prompts throughout the year for any relevant upcoming sessions. There is also a small budget for short courses, but approval is needed from your group leader.

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